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By: *[Signature]*  
Sarah M. Barnett

PATENT

Customer No. 22,852

Attorney Docket No. 09367.0052-00000



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
VAISBERG, Eugeni A. et al. ) Group Art Unit: 1631  
)  
Application No.: 09/311,996 ) Examiner: John S. BRUSCA  
)  
Filed: May 14, 1999 ) Confirmation No.: 1991  
)  
For: DATABASE SYSTEM INCLUDING )  
COMPUTER FOR PREDICTIVE )  
CELLULAR BIOINFORMATICS )

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached Form PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached.

Copies of the U.S. patent publications are not enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.


This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any further fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:   
Lauren L. Stevens  
Reg. No. 36,691

DEC 30 2004

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	09/311,996
Filing Date	May 14, 1999
First Named Inventor	Eugeni A. VAISBERG
Art Unit	1631
Examiner Name	John S. Brusca
Attorney Docket Number	09367.0052-00000

Sheet 1 of 4

**U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS**

Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
		US-5,768,412	06-16-1998	Mitsuyama, et al	
		US-6,169,816 B1	01-02-2001	Ravkin	
		US 2002/0119441 A1	08/29/2002	Elias	
		US 2003/0228565 A1	12/11/2003	Oestreicher et al.	
		US 6,615,141 B1	09/02/2003	Sabry et al.	
		US 6,738,716 B1	05/18/2004	Sabry et al.	
		US 6,631,331 B1	10/07/2003	Sabry et al.	
		US 6,651,008 B1	11/18,2003	Vaisberg et al.	
		US 6,743,576 B1	06/01/2004	Sabry et al.	
		US 2002/0049544 A1	04/25/2002	Nislow et al.	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				
		WO 02/066961 A1	08/29/2002			
		WO 02/47032 A1	06/13/2002			
		WO 02/067182 A2/A3	08/29/2002			
		WO 2002/067188 A3	08/29/2002			
		WO 02/067195 A2/A3	08/29/2002			
		WO 02/000940 A3	01/03/2002			
		WO 02/05012 A2/A3	06/27/2002			
		WO 01/81895 A2	11/01/2001			

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
		BOLAND et al., "Automated Recognition of Patterns Characteristic of Subcellular Structures in Fluorescence Microscopy Images," <i>Cytometry</i> 33: 366-375 (1998)
		BOYCE et al. "System and Method to Achieve Integrated Presentation of Summary Statistics, Detail Measurements, and Raw Images While Maintaining Efficient Use of Storage Media Through Separation of the Data in an Integrated Data Management and Presentation System," U.S. Provisional Patent Application No. 60/108,291, filed November 13, 1998

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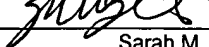
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Examiner Name	John S. Brusca
Attorney Docket Number	09367.0052-00000

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	RUSS, J.C., "Processing Bionary Images," <i>The Image Processing Handbook</i> , 2 <sup>nd</sup> Edition, Publishers - CRC Press, Inc. , Pages 457-474 (1995)
	SCHRODER et al., "FLIPR: A New Instrument For Accurate, High Throughput Optical Screening," <i>Journal of Biomolecular Screening 1</i> (2): 75-80 (1996)
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	WELSH, Stephen and KAY, Steve A., "Reporter gene expression for monitoring gene transfer," <i>Curr. Opin. Biotechnol.</i> 8(5): 617-622 (1997)
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Application Number	09/311,996
Filing Date	May 14, 1999
First Named Inventor	Eugeni A. VAISBERG
Art Unit	1631
Examiner Name	John S. Brusca
Attorney Docket Number	09367.0052-00000

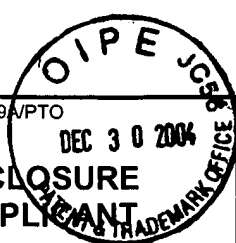
Sheet	3	of	4
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	Office Action dated March 12, 2002, for U.S. Application No. 09/721,154, filed November 21, 2000.
	Notice of Allowability dated March 20, 2003, for U.S. Application No. 09/718,704, filed November 21, 2000.
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	Office Action dated October 22, 2002, for U.S. Application No. 09/718,704, filed November 21, 2000.
	Office Action dated April 8, 2002, for U.S. Application No. 09/718,704, filed November 21, 2000.
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Attorney Docket Number	09367.0052-00000

Sheet	4	of	4
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	Office Action dated March 21, 2002, for U.S. Application No. 09/718,766, filed November 21, 2000.
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	Notice of Allowability dated January 5, 2004, for U.S. Application No. 09/311,890, filed May 14, 1999.
	Office Action dated June 30, 2003, for U.S. Application No. 09/311,890, filed May 14, 1999.
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	Written Opinion mailed June 12, 2003, for Application No. PCT/US02/04492, filed February 14, 2002.

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.